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United States Senate

COMMITTEE ON THE BUDGET
WASHINGTON, DC 20510-6100

October 14, 2011

The Honorable Patty Murray, Co-Chair
The Honorable Jeb Hensarling, Co-Chair
Joint Select Committee on Deficit Reduction
824C Hart Senate Office Building
Washington, DC 20510

Dear Senator Murray and Representative Hensarling:

This letter provides recommendations of the Chairman and Ranking Member of the Senate Committee on the Budget to the Joint Select Committee on Deficit Reduction pursuant to section 401(b)(3)(A)(ii) of the Budget Control Act of 2011.

The current budget process frustrates Senators. In recent years it has become increasingly difficult to pass and conference a budget resolution, particularly during election years. We believe the Joint Committee's legislation provides Congress an opportunity to rededicate itself to an effective budget process. Based on testimony before the Budget Committee, and in consultation with the Committee's members, we encourage the Joint Committee to adopt the following recommendations to implement biennial budgeting and modify Senate procedures for consideration of the budget resolution and reconciliation legislation.

These proposals are not the only budget process reforms that merit serious review and consideration, and the Budget Committee will continue to evaluate those reforms. Biennial budgeting, however, has broad bipartisan support in the Budget Committee, and bicameral support as well. Experience in the Senate with Budget Act procedures has also shown that transparency can be improved without hindering debate on important budgetary matters. These reforms can immediately improve our stewardship of budgetary resources and therefore deserve the Joint Committee's careful consideration.

Biennial Budgeting

Biennial budgeting is an idea whose time has come. Congress spends an inordinate amount of time each year on the budget and appropriation bills under our current system. As soon as the budget process ends for one fiscal year, the next year's process has begun. This leaves little time for Congress to focus on authorizations and oversight, or to examine mandatory spending and tax policy with the rigor that these parts of the budget require. Biennial budgeting would appropriately shift Congress's attention to longer-term budgetary issues and the oversight that is critically needed in this era of constrained federal resources.

Several variations of biennial budgeting have been proposed. We believe the most effective biennial budgeting framework would include the following elements:

- In odd-numbered years, the President submits a two-year budget and Congress passes a two-year budget resolution.
- Congress focuses on authorizations and oversight when not budgeting.
- The Budget Committees conduct performance-based reviews of federal programs. This includes reviews of discretionary and mandatory spending programs as well as tax expenditures and other revenue-related policies.
- The Budget Committees issue a report and other materials in the off year detailing the findings and conclusions of the Committee, including recommendations regarding underperforming federal programs. Many members of the Committee favor a more formal process.

The Committee does not have agreement on whether appropriation bills should be enacted on one- or two-year cycles or a combination of one- and two-year cycles. However, many members of the Committee support biennial appropriations as well as biennial budgets.

This recommendation envisions a new role for the Budget Committees after they have produced a budget resolution. The Budget Committees would use existing performance data provided by the Government Performance and Results Act and the Government Accountability Office's annual report on program duplication, hearings, and on-site visits to review federal expenditures by budget function and across committee jurisdictions. These performance reviews should be formal and based on clear standards of accountability.

Consideration of Budgetary Matters in the Senate

Under the Congressional Budget Act, the majority party in the Senate can pass a budget resolution or reconciliation bill without the threat of a filibuster. The "vote-a-rama" is a unique Senate process that has evolved to protect the rights of the minority during the consideration of these measures. Although the right to debate a budget resolution or reconciliation bill is limited, the right to offer amendments to them is not. As a result, the Senate continues to vote on amendments until every one of 100 Senators decides to stop offering amendments and demanding a vote.

We have both served in the minority and appreciate the importance of the right to offer amendments. At its best, this right allows the minority to offer a competing vision for the budget, prompting a healthy debate on the country's fiscal future. In reconciliation, this right is even more important because reconciliation bills can include broad changes to entitlement programs and the tax code.

However, too often Senators are forced to vote on amendments that they have little or no chance to review. Many believe this demeans the Senate as an institution and undermines the public's faith in our budget process. The reforms we recommend would provide order and increase transparency during the Senate's consideration of a budget. We note that none of these reforms limit the number of amendments a Senator may offer. Specifically, we recommend:

- creating filing deadlines for 1st and 2nd degree amendments, with the filing deadline for 1st degree amendments no earlier than 30 hours into the floor debate;
- increasing the number of amendments debated prior to vote-a-rama by reducing time on each amendment;
- requiring a one-day layover at the end of debate to review remaining amendments before vote-a-rama begins;
- prohibiting the yielding back of time except by unanimous consent; and
- increasing reconciliation debate time to 50 hours.

Another procedural change that has broad support in our Committee is establishing stronger incentives for the Senate to take up a budget resolution. These could include:

- Strengthening the right of Senators to proceed to debate on a budget resolution if the Budget Committee or Senate fails to act. Specifically, this would include codifying the right of any Senator to introduce a budget resolution and get it placed on the calendar if the Senate Budget Committee hasn't reported a resolution by April 1, and establishing the right of any Senator to move to proceed to a budget resolution that is on the calendar.
- Establishing a 60-vote point of order against all legislation with budgetary effects until the Senate passes a budget resolution.

These changes would increase the likelihood that the Senate has a debate on the budget and our fiscal future.

The Joint Select Committee has a unique opportunity to advance policies that could significantly improve our country's fiscal future. We believe the recommendations we have outlined here will contribute to that goal by strengthening the congressional budget process. We appreciate you giving them careful consideration.

Sincerely,



Kent Conrad
Chairman
Senate Budget Committee



Jeff Sessions
Ranking Member
Senate Budget Committee